IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5685 OF 2005

Madhukar Sadanand Shirke and anr. .. Petitioners.

Vs

Purushottam Sadananad Shirke & ors .. Respondents.

Mr N.R.Bubna, for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 05.09.2006

PC:

1. Heard the learned counsel for the petitioners.

2. This petition is directed against the order dated 5.10.2004 passed on the Misc.Civil Appeal filed by the respondents-defendants. Earlier, the trial Court, vide order dated 28.6.2004, had directed the parties to maintain status-quo. Since 5.10.2004 there is no order running in favour of the petitioners. Keeping that in view and considering the overall facts and circumstances of the case, I see no reason to exercise the writ jurisdiction under Article 227 of the Constitution of India. Hence, the writ petition is dismissed. Hearing of the suit is expedited. The trial Court shall decide the suit on merits in accordance with law and uninfluenced by the orders passed in this proceedings.

(D.B.BHOSALE,J.)